

**CITY OF SALINA, KANSAS**  
**REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**March 19, 2007**  
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session for a South Ninth Street Concept Study report. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Donnie D. Marrs, Chairman presiding  
Commissioner Deborah P. Divine  
Commissioner Alan E. Jilka  
Commissioner R. Abner Perney  
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager  
Greg Bengtson, City Attorney  
Lieu Ann Elsey, City Clerk

Absent: None

**CITIZEN FORUM**

Georgianne Kathary, 205 N. Thirteenth, expressed concerns regarding the salary for the Housing Authority Director.

Mayor Marrs responded to Ms. Kathary's questions regarding how the board is appointed and how the current director was hired.

**AWARDS - PROCLAMATIONS**

None.

**PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME**

(5.1) Pubic hearing on Petition No. 4292, filed by the Salina Community Theatre, requesting the vacation of North Third Street right-of-way from Iron Avenue to the Smoky Hill River.

(5.1a) First reading Ordinance No. 07-10378.

Dean Andrew, Director of Planning and Community Development, explained the request and the retention of the access and utility easements.

Mayor Marrs opened the public hearing.

There being no further comments, the public hearing was closed.

Mr. Andrew then responded to Commissioner Divine's question regarding the retention of the access and utility easement.

07-7493            Moved by Commissioner Divine, seconded by Commissioner Perney, to pass Ordinance No. 07-10378 on first reading. Aye: (5). Nay: (0). Motion carried.

### **CONSENT AGENDA**

(6.1)            Approve the minutes of March 5, 2007.

(6.2)            Approve purchases for the Downtown Amenities Upgrade and Refurbish Project No. 07-2639 from SiteScapes in the amount of \$29,950.

(6.3)            Acceptance of dedicated right-of-way for Progress Drive and additional right-of-way in the Corrected Plat of Liberty Addition No. 2.

(6.4)            Authorize purchase of a GPS system from Laser Specialists, Inc. in the amount of \$63,567.

(6.5)            Award of contract for the 2007 Joint and Crack Sealing, Project No. 07-1622, to Missouri Pavement Maintenance in the amount of \$47,836.20.

(6.6)            Award of contract for the 2007 Latex Modified Slurry Seal, Project No. 07-1623, to Ballou Construction Co., Inc. in the amount of \$204,317.50.

(6.7)            Resolution No. 07-6375 authorizing a license agreement with Kansas Gas Service to allow the installation of a cathodic protection ground bed in Indian Rock Park.

07-7494            Moved by Commissioner Perney, seconded by Commissioner Jilka, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

### **DEVELOPMENT BUSINESS**

(7.1)            Application #Z07-1, filed by the Salina City Planning Commission, requesting an amendment to Section 42-59 to add temporary quarters for emergency service providers and responders as a permitted temporary use.

(7.1a)           First reading Ordinance No. 07-10380.

Dean Andrew, Director of Planning and Community Development, explained the request and the Planning Commission's recommendation. Mr. Andrew then responded to Commissioner Perney's question on whether or not outside emergency agencies would be included.

07-7495                    Moved by Commissioner Perney, seconded by Commissioner Divine, to pass Ordinance No. 07-10380 on first reading. Aye: (5). Nay: (0). Motion carried.

(7.2)            Application #Z07-3, filed by Mike Grabner, requesting a change in zoning district classification from C-3 (Shopping Center) to C-5 (Service Commercial) district on property addressed as 1513 S. Ninth Street.

(7.2a)           First reading Ordinance No. 07-10379.

Dean Andrew, Director of Planning and Community Development, explained the request, zoning of the surrounding area, and the Planning Commission's recommendation and conditions of approval.

Mr. Andrew responded to Commissioner Divine's question regarding landscaping requirements in the PC-5 district.

A discussion followed between Mayor Marrs and Mr. Andrew regarding the zoning of surrounding property and Kansas Wesleyan University's plans for further expansion.

Mr. Andrew then responded to Commissioner Vanier's question regarding the type of service work that would be allowed.

Additional discussion followed between Mayor Marrs and Mr. Andrew regarding Kansas Wesleyan University's long term plan. Mayor Marrs felt that it would be important for a neighborhood plan to be required.

Mr. Andrew responded to Commissioner Vanier's question regarding the Planning Commission's conditions concerning automobile sales.

A discussion followed between Commissioner Perney and Mr. Andrew regarding the PC-3 and PC-5 zoning districts.

Mike Grabner, 602 Starlight Drive, commented that Kansas Wesleyan University currently has no future plans for the area. He also noted that this location was formerly a full service station.

Commissioners Divine and Jilka concurred with Mayor Marrs comment regarding the need for a neighborhood plan for this area.

Commissioner Perney felt that this was not a critical change to the neighborhood and would support the rezoning.

Mayor Marrs expressed his opposition.

07-7496                    Moved by Commissioner Vanier, seconded by Commissioner Perney, to pass Ordinance No. 07-10379 on first reading. Aye: (2) Perney, Vanier. Nay: (3) Divine, Jilka, Marrs. Motion failed.

## ADMINISTRATION

(8.1) Second reading Ordinance No. 07-10377 annexing City owned property located north and west of the North Ohio Overpass.

Dean Andrew, Director of Planning and Community Development, requested direction from the City Commission regarding the annexation of the remaining Beverly property.

Mayor Marrs noted that Ordinance No. 07-10377 was passed on first reading on March 5, 2007 and since that time no comments have been received.

07-7497 Moved by Commissioner Vanier, seconded by Commissioner Divine, to adopt Ordinance No. 07-10377 on second reading. A roll call vote was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.2) Second reading Ordinance No. 07-10376 requesting the vacation of an alley right-of-way located in Elm Grove Addition.

Mayor Marrs noted that Ordinance No. 07-10376 was passed on first reading on March 5, 2007 and since that time no comments have been received.

Commissioner Divine noted the conditions that were included in the first reading motion on March 5, 2007 and inquired on whether these conditions were met.

Mr. Andrew responded to Commissioner Divine noting that they are currently unlicensed, and have not submitted a screening plan. Mr. Andrew continued to explain that the vacation and licensing were two separate issues.

A discussion followed between Greg Bengtson, City Attorney, and Mr. Andrew regarding the property's preexisting use, and also the expansion would not occur until a zoning application was made.

Mr. Andrew commented on the permitted use and the screening and storage regulations.

A discussion followed between Jason Gage, City Manager, Mr. Bengtson, Mr. Andrew and the City Commission on the conditions, use and vacation of the right-of-way, zoning of the area, buffering, the business expansion, and the licensing of junk yards.

Mayor Marrs asked Mr. Bengtson to clarify on whether or not conditions could be legally attached to the ordinance. Mr. Bengtson responded.

A discussion followed between Commissioner Divine and Mr. Gage regarding a possible moratorium.

Additional discussions followed between Commissioner Jilka, Mr. Gage, and Mr. Andrew regarding the state's Salvage and Junk Yard Control Act, and state licensing for the business.

07-7498 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 07-10376 on second reading removing the special conditions placed on the ordinance on March 5, 2007. A roll call vote was taken. Aye: (3) Perney, Vanier, Marrs. Nay: (2) Divine, Jilka,. Motion carried.

07-7499 Moved by Commissioner Divine, seconded by Commissioner Perney, for staff to develop a temporary moratorium relating to junk yards and to invoke pending legislation doctrine until the temporary moratorium can be prepared and considered. Aye: (5). Nay: (0). Motion carried.

(8.3) Award contract for cellular telephone service.

Rod Franz, Director of Finance and Administration, explained the current plan and the proposals received. Mr. Franz then responded to Commissioner Perney's question regarding the rate increase.

A discussion followed between Mayor Marrs and City Manager Jason Gage regarding the City's cell phone policy and cell phone allowance.

07-7500 Moved by Commissioner Divine, seconded by Commissioner Vanier, to award contract for cellular telephone service to US Cellular in the amount of \$16,793.28 per year base cost.

(8.4) Award contract for the landscaping portion of the KDOT Transportation Enhancement Project.

Karlton Place, City Engineer, explained the project, agreement, and project funding. Mr. Place then responded to Commissioners Perney's and Divine's questions regarding the median enhancements and wildflower plantings.

07-7501 Moved by Commissioner Divine, seconded by Commissioner Perney, to award contract for the landscaping portion of the KDOT Transportation Enhancement, KDOT Project No. 85-TE-0277-01, City Project No. 05-1550 to Patty Banks Associates in the amount of \$18,044.20. Aye: (5). Nay: (0). Motion carried.

Commissioner Divine commented on the financing of the project.

(8.5) First reading Ordinance No. 07-10381 authorizing the issuances of Industrial Revenue Bonds, Series 2007 (Kasa Industrial Controls, Inc.).

Greg Bengtson, City Attorney, explained the issuance and that Mike Haug, President of Kasa was present to answer questions.

07-7502 Moved by Commissioner Jilka, seconded by Commissioner Perney, to adopt Ordinance No. 07-10381 on first reading. Aye: (5). Nay: (0). Motion carried.

Commissioner Perney asked on clarification on whether the Commission had given staff direction on whether or not to pursue the annexation of remaining property on North Ohio.

Mayor Marrs noted that no direction was given.

### **OTHER BUSINESS**

07-7503            Moved by Commissioner Jilka, seconded by Commissioner Perney, to recess into executive session for 20 minutes to discuss matters subject to the attorney-client privilege for the reason that public discussion would waive the privilege; and reconvene at 5:30. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 5:10 p.m. and reconvened at 6:10 p.m. No action was taken.

### **ADJOURNMENT**

07-7504            Moved by Commissioner Divine, seconded by Commissioner Jilka, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 6:10 p.m.

Donnie D. Marrs, Mayor

**[SEAL]**  
**ATTEST:**

Lieu Ann Elsey, CMC, City Clerk